

1                                    BEFORE THE ARIZONA MEDICAL BOARD

2                    In the Matter of

3                    **SAMER S. SANNOUFI, M.D.**

4                    License No. 33024

5                    For the Practice of Allopathic Medicine  
6                    In the State of Arizona.

Case No. MD-07-1069A

**CONSENT AGREEMENT FOR  
LETTER OF REPRIMAND AND  
PROBATION**

7                                    **CONSENT AGREEMENT**

8                    By mutual agreement and understanding, between the Arizona Medical Board  
9                    ("Board") and Samer S. Sannoufi, M.D. ("Respondent"), the parties agree to the following  
10                    disposition of this matter.

11                    1.     Respondent has read and understands this Consent Agreement and the  
12                    stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").  
13                    Respondent acknowledges he has the right to consult with legal counsel regarding this  
14                    matter.

15                    2.     By entering into this Consent Agreement, Respondent voluntarily  
16                    relinquishes any rights to a hearing or judicial review in state or federal court on the  
17                    matters alleged, or to challenge this Consent Agreement in its entirety as issued by the  
18                    Board, and waives any other cause of action related thereto or arising from said Consent  
19                    Agreement.

20                    3.     This Consent Agreement is not effective until approved by the Board and  
21                    signed by its Executive Director.

22                    4.     The Board may adopt this Consent Agreement or any part thereof. This  
23                    Consent Agreement, or any part thereof, may be considered in any future disciplinary  
24                    action against Respondent.

25                    ...

1        5.     This Consent Agreement does not constitute a dismissal or resolution of  
2 other matters currently pending before the Board, if any, and does not constitute any  
3 waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any  
4 other pending or future investigation, action or proceeding. The acceptance of this  
5 Consent Agreement does not preclude any other agency, subdivision or officer of this  
6 State from instituting other civil or criminal proceedings with respect to the conduct that is  
7 the subject of this Consent Agreement.

8        6.     All admissions made by Respondent are solely for final disposition of this  
9 matter and any subsequent related administrative proceedings or civil litigation involving  
10 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
11 or made for any other use, such as in the context of another state or federal government  
12 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
13 any other state or federal court.

14       7.     Upon signing this agreement, and returning this document (or a copy thereof)  
15 to the Board's Executive Director, Respondent may not revoke the acceptance of the  
16 Consent Agreement. Respondent may not make any modifications to the document. Any  
17 modifications to this original document are ineffective and void unless mutually approved  
18 by the parties.

19       8.     If the Board does not adopt this Consent Agreement, Respondent will not  
20 assert as a defense that the Board's consideration of this Consent Agreement constitutes  
21 bias, prejudice, prejudgment or other similar defense.

22       9.     This Consent Agreement, once approved and signed, is a public record that  
23 will be publicly disseminated as a formal action of the Board and will be reported to the  
24 National Practitioner Data Bank and to the Arizona Medical Board's website.

25     . . .

1        10. If any part of the Consent Agreement is later declared void or otherwise  
2 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
3 and effect.

4        11. Any violation of this Consent Agreement constitutes unprofessional conduct  
5 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("violating a formal order,  
6 probation, consent agreement or stipulation issued or entered into by the board or its  
7 executive director under this chapter") and 32-1451.

8        12. *Respondent has read and understands the conditions of probation.*

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11   
12 SAMER S. SANNOUFI, M.D.

DATED: 12-11-2008

**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 33024 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-07-1069A after receiving a complaint regarding Respondent's care and treatment of a twenty-one year-old female patient ("BF").

4. From August 6, 2007 through November 23, 2007, Respondent treated BF for various complaints that included neck and back pain, anxiety and depression. Additionally, Board staff received information from BF's subsequent treating physician that BF alleged that she had a consensual sexual relationship with Respondent. During an investigational interview with Board Staff on December 6, 2007, BF stated she had a sexual relationship with Respondent from October 1, 2007 through December 4, 2007.

5. However, during an investigational interview with Board Staff on December 7, 2007, Respondent denied having a sexual relationship with BF, but admitted providing BF with his cellular phone number to call only if she had suicidal thoughts. Staff requested that Respondent provide a copy of his phone records from October 1, 2007 through December 4, 2007. The records submitted by Respondent did not correspond to those records submitted by the phone company. Specifically, Respondent's records showed that he made a phone call to BF on October 19, 2007 that lasted one minute and on October 22, 2007 that lasted two minutes. However, the phone company's records showed that the October 19<sup>th</sup> call lasted twenty minutes and the October 22<sup>nd</sup> call lasted thirteen minutes. Additionally, Respondent denied calling or text messaging BF during that timeframe. However, the phone company's records showed that Respondent sent BF twelve text messages from October 2007 through December 2007.

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2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27) (j) ("[k]nowingly making a false or misleading statement to the board or on a form required by the board or in a written correspondence, including attachments, with the board.").

**IT IS HEREBY ORDERED THAT:**

2. Respondent is placed on probation for **one year** with the following terms and conditions:

Respondent shall within one year of the effective date of this Order obtain 15 of Board Staff pre-approved Category I Continuing Medical Education (CME) issues and provide Board Staff with satisfactory proof of attendance. The shall be in addition to the hours required for the biennial renewal of medical probation shall terminate upon successful completion of the CME.

Respondent shall obey all state, federal and local laws, all rules governing of medicine in Arizona, and remain in full compliance with any court ordered ation, payments and other orders.

In the event Respondent should leave Arizona to reside or practice outside  
for any reason should Respondent stop practicing medicine in Arizona,

1 Respondent shall notify the Executive Director in writing within ten days of departure and  
2 return or the dates of non-practice within Arizona. Non-practice is defined as any period of  
3 time exceeding thirty days during which Respondent is not engaging in the practice of  
4 medicine. Periods of temporary or permanent residence or practice outside Arizona or of  
5 non-practice within Arizona, will not apply to the reduction of the probationary period.

6 3. This Order is the final disposition of case number MD-07-1069A.

7 DATED AND EFFECTIVE this 4<sup>th</sup> day of FEBRUARY, 2009.

8  
9 (SEAL)

ARIZONA MEDICAL BOARD

10  
11 By 

12 Lisa S. Wynn  
Executive Director

13 ORIGINAL of the foregoing filed  
14 this 4<sup>th</sup> day of February, 2009 with:

15 Arizona Medical Board  
16 9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

17 EXECUTED COPY of the foregoing mailed  
18 this 4<sup>th</sup> day of February, 2009 to:

19 Cal Raup  
20 Raup & Hergenroether, PLLC  
21 One Renaissance Square, Suite 1100  
Two North Central Avenue  
Phoenix, Arizona 85004

22 EXECUTED COPY of the foregoing mailed  
23 this 4<sup>th</sup> day of February, 2009 to:

24 Samer S. Sannoufi, M.D.  
Address of Record

25   
Investigational Review